



Ken Burke, CPA

CLERK OF THE CIRCUIT COURT AND COMPTROLLER
PINELLAS COUNTY, FLORIDA

Clerk of the County Court
Recorder of Deeds
Clerk and Accountant of the Board of County Commissioners
Custodian of County Funds
County Auditor

Division of Inspector General

510 Bay Avenue
Clearwater, FL 33756
Telephone: (727) 464-8371
Fax: (727) 464-8386
Fraud Hotline: (727) 45FRAUD (453-7283)
Clerk's website: www.mypinellasclerk.org

REPORT NO. 2016-27

TO: Ken Burke, CPA, Clerk of the Circuit Court and Comptroller

FROM: Hector Collazo, Jr., Inspector General/Chief Audit Executive
Division of Inspector General

DIST: Teresa Del Rio, Director, Court and Operational Services
Rod Tabler, Senior Manager, Civil Court Records

SUBJECT: Investigation of Docket Entry Timing

DATE: October 24, 2016

The Division of Inspector General's Public Integrity Unit (PIU) received allegations of Fraud, Waste, and Abuse. We investigated the following allegations related to complaints received by the Clerk's Civil Court Records Department (Respondent) during July and August 2016 from a Complainant concerning a Civil Court Case, in which the Complainant is a defendant.

The Complainant alleges that:

- Docket entry timing in the Civil Court's ePortal by Civil Court Records Department staff may have caused the Complainant harm.
- The Complainant's dockets for this case were deliberately mishandled by a Civil Court Records Department employee in the St. Petersburg office.
- Civil Court Records Department staff deliberately failed to provide the Complainant with copies of documents for this case that had been filed by the attorney for the plaintiff.

The Complainant did provide documentation to assist with the investigation.

To determine whether the allegations were substantiated, we reviewed policies, procedures, and any other records deemed appropriate. We also conducted interviews of staff, the Complainant, and other parties, as needed. Our investigation was



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performed according to the *Principles and Standards for Offices of Inspector General* and *The Florida Inspectors General Standards Manual* from The Commission for Florida Law Enforcement Accreditation.

The Division of Inspector General's investigation of the allegations has determined that the allegations noted above are unfounded.

1. Docket Entry Timing:

- The Complainant suffered no adverse decisions in this Civil Court case.
- Decisions made by the Civil Court Judge were rendered with all pleadings and other documents and exhibits available to the judge.
- Documents entered into the Civil Court's ePortal (aka the "*Florida Courts E-Filing Portal*") for this case maintained their sequential integrity whether or not the documents were entered electronically by an attorney for the plaintiff or manually by a Civil Court Records Department clerk after such documents were submitted by the Complainant at the Civil Court Records Department's window in St. Petersburg.

2. Deliberate Docket Mishandling:

- There is no evidence that a single Civil Court Records Department clerk in St. Petersburg deliberately mishandled any of the Complainant's submissions for this Civil Court case.
- One of the Civil Court Records Department's employees, who handled some of the Complainant's submissions, received a Disciplinary Notice for "Substandard Quality of Work" on July 29, 2016, which coincides with the docket entry timing described by the Complainant. However, there is no indication that the employee's service:
 - a) Was directed only at the Complainant, and
 - b) Caused the Complainant harm.

3. Copies:

- There is no evidence that the Civil Court Records Department staff deliberately failed to provide the Complainant with copies of documents for this case that had been filed by the attorney for the plaintiff.
- Although the Complainant's name was handwritten onto the case, "Service List," the Complainant was not a party to the case, and, therefore, would not have been entitled to automatically receive copies of the plaintiff's filings. The Complainant did receive copies of the documents during personal visits to the Civil Court Records Department's service window. On August 2, 2016, the Complainant was granted "defendant" status by the Court, which now entitles the Complainant to receive case document copies.